

The Honorable Benjamin H. Settle

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA**

JOHN DOE #1, an individual, JOHN  
DOE #2, an individual, and PROTECT  
MARRIAGE WASHINGTON,

Plaintiffs,

v.

SAM REED, in his official capacity as  
Secretary of State of State of Washington,  
BRENDA GALARZA, in her official  
capacity as Public Records Officer for the  
Secretary of State of Washington,

Defendants.

NO. 09-cv-05465-BHS

DESIGNATED DEPOSITION  
TESTIMONY OF

Pursuant to Local Rule 32(e), Defendants Sam Reed and Brenda Galarza, Intervenors Washington Families Standing Together and the Washington Coalition for Open Government and Plaintiffs John Doe #1, John Doe #2, and Protect Marriage Washington (collectively, the “Parties”) hereby submit combined designated deposition testimony for

Defendants and Intervenors object to the admission of any deposition testimony taken of any witnesses who could be called to testify at trial. Therefore, the designations of

1 Defendants and Intervenor are being submitted in the event that the Court decides to admit  
2 deposition testimony.

3 For the Court's convenience Defendants' designations have been highlighted in blue,  
4 Intervenor's designations have been highlighted in pink, and Plaintiffs' designations have  
5 been highlighted in yellow. Objections have been noted in the margins. Plaintiffs will be  
6 filing the redacted versions of these documents.

7 DATED this 6th day of September, 2011.

8 ROBERT M. MCKENNA  
9 Attorney General

10 s/ William Clark  
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24  
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UNITED STATES DISTRICT COURT  
FOR THE  
WESTERN DISTRICT OF WASHINGTON

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JOHN DOE #1, et al.,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	NO. 09-cv-05456-BHS
	)	
SAM REED, et al.,	)	
	)	
Defendants.	)	

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DEPOSITION UPON ORAL EXAMINATION OF

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September 13, 2010  
Vancouver, Washington

DIXIE CATTELL & ASSOCIATES  
COURT REPORTERS & VIDEOCONFERENCING  
(360) 352-2506 \*\* (800) 888-9714

1 APPEARANCES:

2 FOR THE DEFENDANTS:

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4  
5 FOR THE INTERVENOR  
WASHINGTON FAMILIES  
STANDING TOGETHER:

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9 FOR THE INTERVENOR  
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OPEN GOVERNMENT  
10 (Via Telephone):

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13 INTERPRETER:

JOHN SCIGLIANO

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11 EXHIBIT DESCRIPTION PAGE/LINE

12 (No Exhibits.)

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EGELER ( , 9/13/10)

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BE IT REMEMBERED that on Monday, September 13,  
2010, at 12:12 p.m., at 1220 Main Street, Suite 510,  
Vancouver, Washington, before REBECCA S. LINDAUER, Notary  
Public in and for the State of Washington, appeared  
, the witness herein:

WHEREUPON, the following proceedings were had, to  
wit:

JOHN SCIGLIANO, having been first duly sworn by the  
Notary, translated from English to  
Russian and Russian to English as  
follows:

, having been first duly sworn by  
the Notary, testified as follows:

EXAMINATION

BY MS. EGELER:

Q Mr. , could you please state your entire name,  
please.

A In the patronymic as well, a middle name?

Q Yes, please.

A .

Q And are you a U.S. citizen?

A At present I am, yes.

Q And when did you become a United States citizen?

EGELER ( , 9/13/10)

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1 A In 2003.

2 Q And are you a registered voter in the state of Washington?

3 A Yes, I am.

4 Q I wanted to let you know before we get going that everything  
5 we say today is being taken down by our court reporter, and  
6 you'll have an opportunity to review that, if you want to.  
7 So that she has a good record, we'll need to say yes or no  
8 rather than nodding or saying um-hmm because those things  
9 won't show.

10 A Okay.

11 Q If anything I ask you is unclear for any reason, please ask  
12 me to clarify. It's important that we understand each  
13 other.

14 A Okay.

15 Q , could you please tell me where you're  
16 employed.

17 A I work presently at the .

18 Q Do you have any other employment?

19 A Nowhere else.

20 Q And was that the case in 2009 also?

21 A It was the same.

22 Q And that's the ,  
23 correct?

24 A Yes.

25 Q How many parishioners do you have at the church?

EGELER ( , 9/13/10)

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1 A Parishioners, approximately 700 people.

2 Q Would that have been about the same in 2009?

3 A I think so.

4 Q You have been named as a witness in a lawsuit, Doe v. Reed.  
5 Were you aware of that?

6 A Yes, I was. I was called by telephone and told of this and  
7 so, yes, I was aware.

8 Q And when were you called by telephone and told of this?

9 A It was perhaps at the beginning of this year, maybe March.

10 Q And who called?

11 A That, I cannot say who called. I think the call was maybe  
12 from Olympia or maybe from Seattle.

13 Q Do you know if it was from the attorneys for the plaintiffs  
14 in the case?

15 A I can't say for sure. I can understand what it is about,  
16 but as far as understanding in English what this  
17 organization is, I don't know. I don't even really know now  
18 what this organization is that I'm dealing with.

19 Q Do you know what the lawsuit is about?

20 A No.

21 Q Being named as a witness in this case may require you to  
22 appear in federal court in Tacoma and testify publicly.

23 A Yes. I'm ready to go wherever.

24 Q Do you have any objection or concern with testifying  
25 publicly in court?



EGELER ( , 9/13/10)

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1 A No. I have no concerns.

2 Q Are you knowledgeable about Referendum 71?

3 A Yes. I was made familiar with it.

4 Q And when did you first become aware of it?

5 A I think probably in August or in July of last year.

6 Q And how did you become aware of it?

7 A I can't now say exactly, but we received information by mail  
8 that came to our home. We received it and everything there  
9 was all clearly laid out.

10 Q Do you know where the mail came from? Do you remember?

11 A I can't say the name right now, but I believe it was from  
12 that same organization that was on the side of the -- what  
13 was it called? I don't know. But it was definitely an  
14 organization that sent it.

15 Q Was it a church organization?

16 A I don't think so. That is for sure that it was not a church  
17 organization.

18 Q Did you sign the Referendum 71 petition?

19 A Yes, I did sign it.

20 Q Do you remember where you were when you signed it?

21 A Yes, I do. I was at home.

22 Q Who brought the petition to you at home?

23 A The petition was brought to me in the same way. We received  
24 it by mail.

25 Q And did you then mail the petition to someone?

EGELER ( , 9/13/10)

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1 A No. I didn't send it to anyone by mail. It arrived by mail  
2 and there were somewhere around 40 newspapers there and on  
3 each there were about 20 names, and my son was directly  
4 involved in this matter. He gathered signatures. He knew  
5 where to send it.

6 Q Did you talk to others about Referendum 71 and encourage  
7 them to sign the petition?

8 A Of course I spoke to many people about it, and I expressed  
9 my opinion about it, and of course, people knew my view  
10 about this matter.

11 Q Did you speak to the parishioners at your church about this?

12 A No.

13 Q Were petitions available inside the church for people to  
14 sign?

15 A The petitions were everywhere.

16 Q Were they inside the church?

17 A Both inside and outside the church and they were at bus  
18 stops and at the mall as well.

19 Q Did you at any point speak to anyone inside the church,  
20 anyone who attends the church, about signing the petitions  
21 that were located inside the church?

22 A I separate political and religious affairs. In the church,  
23 we don't talk about political matters. The petitions were  
24 in the church. People had free choice to sign them, and no  
25 one forced them to do so.

EGELER ( , 9/13/10)

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1 Q Did you speak at all in the church from a religious  
2 perspective about gay marriage?

3 A I did speak of it, of course, on the basis of the word of  
4 God, what the Bible says about these things, and I separate  
5 the attitudes toward people and towards sin. We love people  
6 regardless of their origin, inclinations, or sexual matters.

7 Q But you did tell your congregation that gay marriage  
8 religiously is inappropriate or wrong?

9 A I did and I believe that is so.

10 Q Did you have a Referendum 71 sign in your yard at your home?

11 A Where I live on our property, we did not have any specific  
12 sign like that for the reason that it's not a -- it's not a  
13 through roadway. If it were, I would have had the sign.

14 Q Were any Referendum 71 signs put up at the church inside or  
15 outside the church?

16 A We did not put any up.

17 Q Did you have a bumper sticker on your car saying reject  
18 Referendum 71?

19 A I did not.

20 Q Did you go to any public places and help to gather petition  
21 signatures?

22 A I did not.

23 Q Did you go to any public places and hold a Referendum 71  
24 sign?

25 A No. I did not take part in these.

EGELER ( , 9/13/10)

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1 Q I understand that your son organized many events.

2 Did you attend any of the events concerning Referendum 71?

3 A I repeat, I did not take part in any of these events, and  
4 I'll add not because I did not want to, but because I did  
5 not have the opportunity to.

6 Q Did you observe the counting of the signatures on the  
7 petitions?

8 A No, I did not observe.

9 Q Did you have any other involvement with Referendum 71 I  
10 haven't asked you about?

11 A For example, what might that be?

12 Q Well, actually two other things I want to ask about. Do you  
13 have a church Web site?

14 A We do have a church Web site, but we don't have anything to  
15 do with this.

16 Q Do you have a church newsletter?

17 A No.

18 Q At any point, was anything about Referendum 71 or the  
19 gatherings that your son was planning posted on the church  
20 Internet site?

21 A It never was, no.

22 Q Did you attend any meetings to plan activities regarding  
23 Referendum 71?

24 A No, I was not. If there were any such gatherings, I would  
25 have known about them, of course, and I would have been

EGELER ( , 9/13/10)

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1 there.

2 Q But there were such meetings, weren't there, that your son  
3 held?

4 A As far as my son, I don't know of any that he held. I think  
5 that you would have to ask him.

6 Q Did you meet with about Referendum 71 or  
7 discuss it with him?

8 A I discussed this issue with many pastors. For the most  
9 part, they were American pastors.

10 Q And did you express your opinion about Referendum 71?

11 A It was entirely by e-mail and by mail.

12 THE INTERPRETER: Actually, the interpreter didn't  
13 interpret the question. The interpreter did not interpret  
14 the last question --

15 MS. EGELER: Sorry.

16 THE INTERPRETER: -- Attorney General. Did you  
17 express your opinion, was that the question?

18 MS. EGELER: Yes.

19 A Well, personally my English is not such to be able to  
20 respond much, but as far as information I received from  
21 various pastors, you know, I did speak of that.

22 Q (By Ms. Egeler) Did you allow your name to be used as a  
23 person who was endorsing Referendum 71?

24 A No, of course.

25 Q I understand that you suffered some harassment as a result

1 of signing Referendum 71. Is that correct?

2 A Directed at me personally, no, but in general, yes. There  
3 were several times when, by the church, we found notes that  
4 had been printed from a computer which contained things  
5 like: You're worst than the fascists. Get out of here.  
6 Nothing is going to come of this for you. Your children  
7 will be just like us --

8 Q And these --

9 A -- that they will be homosexuals. We'll make them -- we  
10 received these several times. They were left by the church,  
11 several copies. I was obliged to speak of this in the  
12 church so that people wouldn't pay attention to this, so  
13 that our people could bless these people, saying that we  
14 hate sin, but we love people and that's all. There were no  
15 threats directly at me personally, but in general, there  
16 were.

17 Q So these were printed on paper and left in front of the  
18 church. Is that correct?

19 A There were many, both by the church and left on the  
20 windshields, under the windshield wipers of cars.

21 Q Did you keep any of them?

22 A We had no goal at that time of keeping something, especially  
23 things such as these in order to prove our side or that we  
24 were right. Maybe some of the people might have kept them,  
25 taking them off their windshields. I don't know.

State Objects: Witness lacks foundation for the testimony; hearsay.

EGELER ( , 9/13/10)

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1 Everything that was found on the church property was thrown  
2 in the garbage.

3 Q Did anything else happen?

4 A Well, that's specifically what I witnessed, but also I have  
5 specifically spoken to people and heard them attest to  
6 threats.

7 Q Did anything else happen to the church or near the church?

8 A Other than that incident, no.

9 Q And who did you talk to that was harassed in some way?

10 A The thing is, it was about two years ago, when people were  
11 going out in Portland where there was also a protest against  
12 this matter. A pastor of a certain church said that eggs  
13 were tossed at them, at their cars. I know this pastor and  
14 believe him.

15 Q Who is this?

16 A

17 Q Can you spell that?

18 A I think it's

19 Q And is he a pastor in Portland?

20 A Yes.

21 Q I'm confused that there would be a rally in Portland because  
22 Referendum 71 is a Washington issue, and Oregon cannot vote  
23 on Washington issues. Could it be that he was at a rally  
24 for a similar issue on the Oregon ballot?

25 A I think it was not connected to this referendum, but they

EGELER ( , 9/13/10)

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1 had something of their own there on this issue.

2 Q Did you --

3 A So I think it's just not on this referendum, but on the same  
4 grounds that people who were defending this position, they  
5 were very aggressive.

6 Q And did this occur, the Portland incident, two years ago?  
7 Is that what you said?

8 A Yes, two years ago.

9 Q And you said that you heard about harassment of others. Is  
10 that the incident you were thinking of or are there other  
11 things you've heard of as well?

12 A No. I know several specific testimonies of other people.  
13 The first thing is that when people went out to protest, our  
14 people -- or not our people, but people on this issue were  
15 out standing at Mill Plain and Chkalov, and people would  
16 stop, people who were supporters of the same sex marriage,  
17 and some of these people stopped and tried to tear away the  
18 placards from young women, girls, who were holding the  
19 placards that said reject. They would stop at a traffic  
20 light and open their car windows and they would lower their  
21 pants and show their behinds.

22 Q Who told you this?

23 A I can't say now exactly who did, but my son was a witness to  
24 these things. He was not alone. There were perhaps 40  
25 people there.

State Objects: Witness lacks foundation for the testimony; hearsay; and the testimony is irrelevant even if not offered for the truth of the matter.



EGELER ( , 9/13/10)

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1 Q Was it your son who told you about this?

2 A My son did tell me.

3 Q Is there anything else you've heard about?

4 A Well, some things that I've heard but I simply can't name  
5 the specific people, and some people I do not want to name.  
6 I think that I can confirm those things that I've personally  
7 seen and I've told of them.

8 Q The signs that were left by the church, the printed things,  
9 did you call the police and report that you had received  
10 those outside the church?

11 A No, of course not. No. We are not planning to retaliate  
12 against anyone or present -- make any charges. It's just  
13 when a certain pressure is brought to bear on us, I need to  
14 speak of these things. I otherwise would not speak of it.

15 Q When you read those printed things, did you feel that you or  
16 any of your congregation were at risk of any sort of harm?

17 A I can only speak for myself. I do not of course feel that  
18 I'm threatened by these statements, but it's unpleasant when  
19 people are saying -- directing this at our children, that  
20 we're going to make them just like us.

21 Q Do you feel that people who have a different viewpoint about  
22 Referendum 71 have a right to express that opinion?

23 A Of course.

24 Q Although I understand the things that were said on the --  
25 these printings were rude and not kindly stated, did you

EGELER

, 9/13/10)

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1 feel that it went beyond their constitutional right to  
2 speak?

3 A Definitely, I do.

4 Q But you chose not to call the police?

5 A Right.

6 Q Did you think the police might be able to help you with  
7 this?

8 A No, I didn't.

9 Q Why not?

10 A I don't know. Maybe it's our Russian upbringing not to run  
11 for help right away.

12 Q But if I understand you, you didn't feel that these people  
13 were trying to physically harm you or your parishioners or  
14 the church?

15 A Of course I don't think so. I didn't have that kind of  
16 fear.

17 Q Did you personally experience any other harassment that we  
18 haven't talked about?

19 A Maybe I didn't understand.

20 Q Did you yourself experience any other -- any other  
21 harassment or any threats as a result of your signing the  
22 Referendum 71 petition?

23 A No. Everything that I've heard or that I have been a  
24 witness to I've told you about.

25 Q I just have a question about an incident that you told me

HAMILTON ( , 9/13/10)

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1           you heard from your son           You said you were told that  
2           people tried to pull a sign away from a young woman. Do you  
3           know if the police were contacted about that?

4    A       No, I don't know.

5                       MS. EGELER: I have no other questions.

6                               EXAMINATION

7    BY MS. HAMILTON:

8    Q       My name is Jessica Hamilton. I'm an attorney and I  
9           represent Washington Families Standing Together, which is a  
10          group of civil rights organizations and churches that  
11          supported the Referendum 71 -- supported -- was against  
12          getting Referendum 71 on the ballot. We opposed  
13          Referendum 71. Sorry about that.

14                       THE INTERPRETER: Interpreter asked to repeat the  
15          name of the organization.

16                       MS. HAMILTON: Washington Families Standing  
17          Together.

18   Q       (By Ms. Hamilton) I just have a few questions for you.

19               Do you recall when the petition gathering of signatures  
20          was over, the time?

21   A       I think it was maybe July, maybe somewhere around there. I  
22          don't even know exactly.

23   Q       Okay.

24   A       You see, in my life this issue is not one that I've -- that  
25          is so salient in my life that I think about it a lot.

HAMILTON ( , 9/13/10)

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1 Q Since that period of time, July or August, have you felt any  
2 fear or experienced any threats because you signed the  
3 petition?

4 A Well, as far as fear and threats go, I've said everything I  
5 have. I really have nothing to add.

6 Q So since that time, no threats?

7 A No threats.

8 Q And no --

9 A Personally directed at me, no.

10 Q Have you heard of anyone else who has gotten a threat as a  
11 result of signing a petition, since the signature gathering  
12 has ended?

13 A I have.

14 Q Who?

15 A Well, who? Do I need to name names?

16 Q Can you describe the incident you heard?

17 A Well, I know a lot of incidents, things I've heard of, but I  
18 was not a witness to them.

19 Q Are these all incidents that occurred since the signature  
20 gathering has ended, since the campaign has ended?

21 A Yes. I have heard a lot of testimony about threats about --  
22 that there would be consequences for all these people who  
23 signed, that, you know, it won't go -- that we will get  
24 vengeance.

25 Q Do you know who said these things?

State Objects: Witness lacks foundation for the testimony; hearsay.

EGELER ( , 9/13/10)

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1 A You know, I don't -- I don't keep a record of these things  
2 because it's not my area to record them. When you asked  
3 what I heard, yes, I have heard, but who said it, I can't  
4 say. If you need to find out, of course I can find out, but  
5 I'm not going to get involved in this matter.

6 Q From your perspective, the campaign for Referendum 71 is  
7 done for you. Is that correct? Maybe not the issues, but  
8 the campaign itself, the political campaign, is over?

9 A Yes. In general, yes. Once it's done, I haven't returned  
10 to it.

11 MS. HAMILTON: Can we go off the record for a  
12 second?

13 (Recessed at 1:03 p.m.)

14 (Reconvened at 1:04 p.m.)

15 EXAMINATION

16 BY MS. EGELER:

17 Q I'll pick up. You said that you heard about other people  
18 who said that there would be consequences as a result of  
19 signing the petition. What other people said this?

20 A There were various people.

21 Q You've been named as a witness in a federal lawsuit, and I  
22 understand that you may not feel comfortable naming these  
23 names, but as part of the legal process, during the  
24 deposition, we do have the right to ask you for those names.

25 A And, well, I have the right not to answer you.

EGELER ( , 9/13/10)

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1 Q Do you know the names of people who have said that there  
2 would be consequences?

3 A That there would be consequences if their names were made  
4 public, shown, is that it?

5 Q Yes.

6 A Yes. There is certain people that have experience in this  
7 and there's grounds for them saying it. Many friends in  
8 California who have suffered from this.

9 Q So the people in California, I don't need to know their  
10 names.

11 A Well, people of everywhere. If similar things have taken  
12 place, if people have been subjected to certain threats,  
13 when this issue was being decided, there's -- will guarantee  
14 that it will take place here.

15 Q Have individuals come to you personally and told you  
16 personally that they are at risk of harassment or threats  
17 because they signed Referendum 71?

18 A No. This is simply the testimony of people. Personally no  
19 one came to me.

20 Q And you said that you know of others who have suffered  
21 harassment other than the stories that told you, your  
22 son. Is that correct?

23 A Yes, correct. I would like to ask you to specify. Are you  
24 asking me to gather, to collect the testimony of these  
25 specific people or what? What do you need?

State Objects: Witness lacks foundation for the testimony; hearsay.

EGELER ( , 9/13/10)

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1 Q Did people come to you personally and tell you personally  
2 about harassment that they suffered?

3 A I've already answered that question.

4 Q Yes or no?

5 A No.

6 Q So I want to make sure that we understand each other. The  
7 only incidents of harassment that you've heard about from  
8 someone else directly told to you were told to you by  
9 Dmitry. Is that correct?

10 A Yes.

11 MS. EGELER: I understand. Thank you.

12 On the telephone we have Steven Dixon, and he is  
13 counsel for the Washington Coalition for Open Government.

14 Steve, do you have any questions?

15 MR. DIXSON: Thank you for the opportunity, and I  
16 do not have any questions at this point.

17 MS. EGELER: Ms. Hamilton, do you have any further  
18 questions?

19 MS. HAMILTON: I do not. Thanks.

20 MS. EGELER: We're done. Thank you.

21 (Concluded at 1:10 p.m.)

22 (Signature reserved.)

23

24

25

## C E R T I F I C A T E

I, REBECCA S. LINDAUER, a duly authorized Notary Public in and for the State of Washington, residing at Lacey, do hereby certify:

That the foregoing deposition of \_\_\_\_\_ was taken before me and completed on the 13th day of September, 2010, and thereafter transcribed by me by means of computer-aided transcription; that the deposition is a full, true, and complete transcript of the testimony of said witness;

That the witness, before examination, was by me duly sworn to testify the truth, the whole truth, and nothing but the truth, and that the witness reserved signature;

That I am not a relative, employee, attorney, or counsel of any party to this action or relative or employee of any such attorney or counsel, and I am not financially interested in the said action or the outcome thereof;

That I am herewith securely sealing the deposition of \_\_\_\_\_ and promptly mailing the same to MS. ANNE E. EGELER.

IN WITNESS HEREOF, I have hereunto set my hand and affixed my official seal of this 16th day of September, 2010.

---

Rebecca S. Lindauer, CSR#2402  
Notary Public in and for the State of  
Washington, residing at Lacey.